

## CONTRACTORS MAY TAKE BONDS UNDER CONKLING SCHEME

Territorial Treasurer Has Plan Whereby Public Works Could Be Paid For

RELIEF SUGGESTED IS CONSIDERED FEASIBLE

Attorney General Rules That Governor Pinkham's Proposition Is Not Tenable

(From Thursday Advertiser.)

Where Governor Pinkham failed, because his "scheme" for the disposal of bonds to contractors in lieu of cash for work performed has been declared untenable in an opinion given yesterday by Attorney General Ingram M. Stainback, D. Lloyd Conkling, territorial treasurer, sees a way out of the trouble.

"My scheme is just one safe way of 'beating the devil around the bush,'" explained Mr. Conkling to The Advertiser last night.

"I think I have figured out a way in the matter of handling the bond propositions, and, if I am not mistaken, the attorney general does not think there will be any pillkies about it, although he could not agree with the scheme 'discovered' by the Governor.

Bonds to Be Sold to Contractors

"My scheme is to have the contractors make regular bids for the work required to be done, as they do under ordinary conditions; but there must be an understanding between the superintendent of public works and the territorial treasurer to the effect that the contractors will purchase these bonds upon the completion of the work they undertake to do, at private sale, the sale price being at an advance of a small fraction of one per cent above par. This advance is necessary because the law requires that the disposal of bonds at private sale shall be at a figure higher than that obtained at the last public sale, and in this case that was at par.

Now, when the work of the contractors is completed, according to the contract, the territorial auditor will issue a warrant, which may be presented at the treasurer's office in payment for the bonds, or may be deposited in the bank and a certified check issued which may be presented at the treasurer's office, for which check the bonds will be turned over to the person presenting the check.

Will Be Bona Fide Sale

"Either of these ways, I think, will be a bona fide sale, and the scheme is just one safe way of 'beating the devil around the bush'."

Treasurer Conkling received a cable message yesterday from the United States Mortgage and Trust Company of New York, informing him that 2350 bonds were being mailed, registered and fully insured, as requested last week by Mr. Conkling. In the lot there are 1500 bonds of the \$100 denomination, 500 of \$500 and 350 of \$1000, making \$750,000 of the new bond issue of \$1,430,000 authorized by the last legislature and approved by the President.

Should the \$750,000 worth of bonds be disposed of, harbor work almost to that amount will be begun and prosecuted to completion. This work is very urgent, and the harbor commission is anxious to see the money in sight in order to go on with the work.

Governor Pinkham's scheme of disposing of the bonds direct to the contractors in lieu of cash, mentioned in The Advertiser last week, did not find favor with Attorney General Stainback, up to whom the Governor passed the bill in regard to the legality of his scheme.

Contrary to Territorial Law

In rendering his legal opinion on the question the attorney general says, in part:

"If the legislature had intended that the contract price of any improvement might be paid in bonds, there is no reason why the intention should not be made declared, as was done in Act 151, Session Laws 1913, providing for street improvements. Page 198, section 17 of said act provides that:

"Bonds so issued may be used by the supervisors at par to pay the whole or any part of the contract price of any improvement made as aforesaid, or in the event that such bonds are not so used they shall then be sold to the highest bidder or bidders thereof, and the proceeds thereof shall be so applied."

"Disposing of bonds by issuing them to contractors in lieu of money payments could not be called a sale by public advertising for tenders. Consequently the sale (if such it could be called) would have to be at a figure above the last sale, which in this case was par. It is clear that the almost inevitable result of paying contractors in government bonds instead of money will be that the contractors in making their bids in effect will discount the bonds.

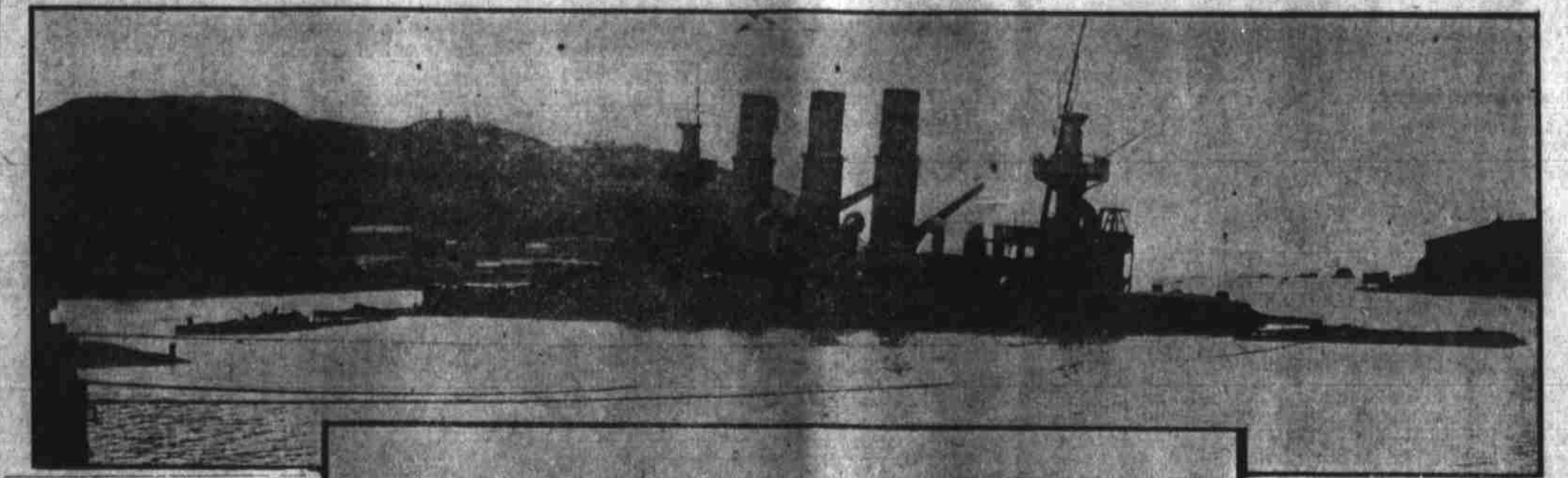
Bonds Would Be Sold Below Par

"In other words, the practical result will be that the bonds will be sold below par. Now, if any of the contractors could take the bonds simply as an investment, but would have to arrange to dispose of them, probably at a discount to investors. In making their respective bids the contractors would have to take into consideration the price they could obtain for the territorial bonds and mark up their bids accordingly.

## BATTLESHIP HIZEN WILL CELEBRATE BIRTHDAY OF EMPEROR

From Her Patrol Station In Offing Wardog Plans To Fire Salutes For Mikado

Battleship Hizen As She Lay In Harbor of Port Arthur, Where, As Russian, the Japanese Sunk Her During Russo-Japanese War, and the Warship As She Appeared When Flying Flag of the Czar



## HEAVY MAIL MAKES CLERKS WORK HARD

Infrequency of Ships On Account of War Adds To Labors At Postoffice

(From Thursday Advertiser.)

If any one chanced to pass by the postoffice at one or two or even three o'clock yesterday morning, probably he observed a sight which represents one more objection against war.

The steamer Wilhelmina brought in eight days' mail Tuesday evening, and it was this heavy mail which caused the postal clerks to work until such a late—or rather, early—hour yesterday.

With almost 600 sacks of mail thrown at them in one bunch, as it were, the clerks had a job of many hours getting it ready for distribution. Such a mail is far from normal. In the absence of war, it probably would never occur. With fewer and fewer ships running between Honolulu and the mainland, on account of the war, the vessels that have arrived have brought larger and larger mails.

"It has demonstrated the mail service," said one of the postal officials yesterday, referring to the war.

But in a short time now the postal officials look to see the mail service become normal again, the ships that have been taken off the run being put back again.

"Although the service is crippled for the time being," said Inspector Knight yesterday, "there is no reason to say that the mail service is getting their mail very soon after it arrives here now. There are two men in San Francisco who spend all their time sorting Honolulu mail. Before it reaches here it is ready for the carriers, or for the boxes or the large business firms. So time is saved in this respect anyway."

## PUBLIC LANDS DRAWING SLATED FOR DECEMBER

There will be a big drawing of public lands December 28 in the office of the land commissioner in Honolulu. The selection of lots will take place December 31, for the lands in Oahu, at the local land office and for those in Kauai at the court house in Kapaa.

The Oahu lots are situated at Halekone-Waikanae, near Kaneohe, Windward Oahu, there being in the neighborhood of forty lots, ranging in area from ten to sixteen acres each and in upland price from forty-five to seventy dollars an acre.

The Kauai lots are at Kapaa Mauka (Kapahi), there being nine lots, ranging from nineteen to thirty-five acres each in area, the upland price per acre ranging from ten to twenty-five dollars.

The appraisers for the Oahu lots were E. L. Schwarzbach, William Savidge and Lena C. Ables, paying for materials or paying contractors in government bonds would constitute a 'sale' of the bonds as that term is used in the loan act. Ordinarily an exchange of bonds for property is not a sale, and it is elementary law that an agent with power to sell cannot barter his principal's goods or give them in payment of his principal's debts or dispose of them otherwise than for money.

Authorities Are Cited

"As stated in Williamson vs. Berry, 49 U. S. (8 How.) 495, 544, 'sale is a word of precise legal import. It means of itself a contract between parties to give and to pass rights of property for money which the buyer pays or promises to pay to the seller for the thing bought and sold.' (Noyes Mex. Chap. 42 Ship. Trench. 244.) In this case it was held that in a decree authorizing a trustee to 'sell' lands and with the proceeds to pay debts, a conveyance of the land to a creditor in payment of the debt was not a sale and conveyed no title.

Numerous cases hold that to 'sell' means to transfer property in exchange for money, and to distinguish sales from barter, accountings and transfers of property to pay debts."

## SCRAP IRON DEALER CAUSES WAR SCARE

Noise He Makes Wrecking Machinery Sounds Like Din of Naval Battle

C. H. Brown, the scrap iron dealer of Honolulu, was the quite unintentional cause of considerable alarm in the region between Koloa and Waimea several days ago, and it is hard even yet to persuade some persons down that way that there was not a battle between Japanese and German men-o'-war at sea not far away.

Mr. Brown bought hundreds of tons of old mill machinery at Koloa, and took fourteen wreckers down there to knock it to pieces. Some of the machinery was so large and unwieldy that it had to be blown to pieces with giant powder. One immense fly-wheel, in particular, took a charge of powder that went off like a battery of cannon. And that was the noise that the good folks heard all along the coast, and made them fear that the horror of actual warfare had arrived at their doors.

The more nervous telephoned all over the island—to Waimea, and Eleale and Lihue, perhaps Hanae—to find out just where the battling fleets were located; but nobody appeared to know. Finally the "roar of battle" ceased, and in due course nerves returned to normal. In the meanwhile, the men employed by Mr. Brown in Koloa were gathering up the fragments of the machinery which had been blasted out, preparatory to shipping it away.

## NEW PUBLIC DANCE HALL IS CHRISTENED BY FIGHT

Honolulu's new public dance hall at King and Smith streets was christened in the way such places seem to be regularly christened, when a fight started there last night and continued in stages until the climax was reached at the police station, where one soldier struck a fellow soldier to the floor.

The assault was made in the presence of a half dozen police officers, and two or three provost guards. The powerful blow was struck like lightning by William Nelson of the hospital corps, sending Private Jack Kirk, Company C, Second Infantry, to the floor.

An hour before this assault occurred, a group of soldiers and a number of dancehall hangers-on, were in front of this new King and Smith streets resort. William Perry, a chauffeur, offered to make a bet that he could perform some feat of accomplishment, and this offer led to the first row. Perry accused Nelson of taking a dollar from him—the dollar that was to be bet—a provost guard was summoned, and the row waxed warm.

When they were all finally taken to the police station, Jack Kirk testified against Nelson. This was the reason Nelson gave for striking him. It was wrong, he said, for one soldier to testify against another.

## Honolulu Japanese To Enjoy Unique Fete Saturday

Honoluluans may think they are hearing the beginning of a naval engagement Saturday.

Booming of cannon may make them think the Geier and the Hizen have "torn into each other."

While in all likelihood the heavy guns on the big Japanese battleship Hizen will roar, it will be in salute and not in fight with the Geier.

Saturday will be the Japanese Emperor's birthday. The Hizen is expected to celebrate it, among other ways, with a salute. And she is beyond the three-mile limit, she will not, different from the case of the Geier on the Kaiser's birthday, have to ask permission to discharge the guns.

A few years ago from this ship a salute was fired for the Czar's birthday. At that time the Hizen was the property of Russia. In the rapid events of the Russo-Japanese war the ship was lost to the Czar and taken into possession by the Emperor. The Hizen was sunk at Port Arthur by the Japanese, and later raised by them and put into commission. Today she forms one of the important and powerful links in that nation's navy, notwithstanding that she has been torpedoed, scuttled and shot up pretty thoroughly in her comparatively short history.

As the Hizen lies out in the harbor, glancing in the sun and keeping her stubborn watch on the Geier, she shows no sign of the struggles she has been through, but looks as good and dangerous as she did when new.

## MANOA ALMOST CUTS A SCHOONER IN TWO

Crashes Into Lumber-Laden Vessel On Coast

While nosing her way through a heavy fog that hung over the Coast, the steamer Manoa collided with the schooner Oakland last night, tearing a twenty foot gash in the schooner's side and otherwise damaging her.

Occurring just on the Heads, the Manoa was able to stand by until the arrival of a tug which towed the schooner to port. An investigation at the port showed that the schooner was far more damaged than was thought at first. It was found there that the vessel was broken in two and no doubt would have sunk but for the cargo of lumber which held her together.

Passengers on the Manoa experienced a few minutes of extraordinary excitement. They had only been at sea a few hours when the accident happened. Though responsibility for the accident has not been officially placed as yet, the first reports made on it say that the Manoa was entirely blameless.

Prof. L. G. Blackman of the Honolulu School for Boys, Kaimuki, did not leave in the steamer Kilanea Thursday for Kona, Hawaii. Mrs. Blackman went over, however, for a short visit.

## AUTOMOBILE KILLS TOURIST PROMOTER

A. K. MacKillop, Well Known In Honolulu, Meets Violent Death In Sacramento

To his many friends among the Elks and Shriners here, the news of the death of Atchibald K. MacKillop will come as a sad shock. Word of his death was received yesterday from Sacramento. He was killed in an automobile accident.

MacKillop for several years promoted tourist travel from Sacramento to Hawaii as a vocation, and it was while engaged in this work that he made his many friends here. He died of a fractured skull.

The accident occurred just after MacKillop had alighted from a machine owned by a friend, E. Wilkerson, with whom he had been riding. Another machine approached unnoticed, and ran MacKillop down as the latter started to cross the street.

MacKillop was a member of the Republican Central Committee of Sacramento county, and father-in-law of Edward S. Higgins, formerly a member of the San Francisco Chronicle staff.

## DIVORCE SUITS PLEASE DEPUTY CLERK DOMINIS

Record of Filings Will Average One Case Each Day In October

John A. Dominis, deputy clerk in the office of Henry Smith, chief clerk of the first circuit court, was cheerful yesterday afternoon. No one could mistake how Dominis felt. He smiled, hummed catchy strains he had heard at the "Mile Modiste" performance, and whistled others.

"What's happened, Johnny?" inquired a visitor.

"Plenty," replied Dominis, with the smile that refused to come off. "You see, today is the twenty-eighth of October and we have had four divorces. This leaves twenty-four legal days in the month. With the four divorces filed today the total since October 1 has reached twenty-eight. So, you see, I'm two divorces cases ahead of the game."

Dominis has made up his mind that divorce actions in Honolulu should at least average one every working day. This average has been maintained for some months past. Those filed yesterday were as follows:

William P. St. Clair against Fanny St. Clair, Annie Peterson against John A. Peterson, Lucy Kahinaka Kaialili against James Nalaeua Kaialili, and Tokumatsu Fugita against Kura Fugita.

## KAISER DECORATES CAPTAIN ISENBERG

Prominent Resident of Lihue Honored With Order of Iron Cross For Gallantry

Capt. Carl Isenberg of Lihue, Kauai, now commanding a troop of German dragoons in the fighting on the Russian frontier, has been decorated with the Order of the Iron Cross, the highest military award made by the Kaiser.

The news is contained in a letter received in Hawaii, which arrived by the last mail. The only information as to the distinguished services performed by Captain Isenberg is his statement that he executed a very difficult patrol ride.

It is thought probable that this means a reconnaissance in a hostile country and within the enemy's lines. Captain Isenberg's present whereabouts is not known, as in his letter he carefully omits all reference to names and places. This is attributed to the strict censorship now in vogue throughout the army.

The captain is one of four brothers, now serving in the German army, of Dr. F. R. Isenberg of Honolulu, Republican candidate for representative from the fourth district. He is a brother of Mrs. Hans Isenberg of Kaula, where he has considerable property interests. He is also a director of the Hackfeld concern of Honolulu.

## They Turned In False Alarm of Fire That Caused Serious Accident

Establishing a record by actually detecting and arresting three youthful lawbreakers the very next day after the commission of their offense, the Honolulu detective department yesterday rounded up three boys who turned in the false alarm of fire which cost Walter H. Akana, driver of the engine from Makiki station, a fractured skull.

When the boys were brought before Judge Whitney in the juvenile court yesterday, they were all sent to the reform school.

How Alarm Was Turned In

They testified in court that Valido Okishoff, a Russian boy, aged twelve years, had broken the glass of the fire alarm box yesterday morning in Kaimuki. Everett Brumagin, a part-Hawaiian boy, aged eleven years, pulled down the hook, sending in the alarm of fire. Apparently Joe Savage, a Portuguese boy of twelve years, was an interested accessory.

It developed that the boys had been away from home for a week. The Russian boy had secured some blankets from his home, and the trio were sleeping out, begging their food or stealing bread and milk from doorsteps to satisfy their hunger.

Drivers' Condition Critical

They could give no good reason for turning in the fire alarm, which caused the injury to Engineer Akana, who was driving the Makiki motor engine responding to the alarm. Making the turn at Wilder avenue and Alexander street, the machine skidded and overturned, throwing off the engine crew.

Akana was not thought to be seriously injured at first, but when his condition became worse he was hurried to the Queen's Hospital and soon afterwards operated upon. Last night it was stated at the hospital that his condition was probably the least bit improved, but it would be about two days more before he would be out of danger.

CHAMBERLAIN'S COUGH REMEDY.

This remedy has no superior as a cure for colds, croup and whooping cough.

It has been a favorite with the mothers of young children for almost forty years.

Chamberlain's Cough Remedy can always be depended upon and is pleasant to take.

It not only cures colds and grip, but prevents their resulting in pneumonia. Chamberlain's Cough Remedy contains no opium or other narcotic and may be given as confidently to a child as to an adult. For sale by all dealers. Benson, Smith & Co., Ltd., are the sole agents for Hawaii.

## CHURCHES WILL INVITE SUNDAY FOR REVIVALS

Religious Workers Decide Unanimously To Have Famous Evangelist Here

PROBLEM WILL BE HOW TO CARE FOR CONVERTS

Incipient Opposition To Great Plan of Redemption Easily Cast Away

Rev. Billy Sunday, the widely-known evangelist, whose sensational methods have had such great success in religious revivals, will be asked to come to Honolulu next summer. This was decided upon at a mass meeting held in the parish house at Central Union church last night, the six English-speaking Protestant churches of the inter-church federation, being represented.

Johnny Martin, well-known in local religious work, put the motion before the meeting and it was immediately seconded and carried unanimously. Preceding the motion there was a lengthy debate on the subject, and chairman B. H. Trent called upon several active religious workers in the audience for expressions of opinion.

Some Opposed Proposition

There were a few who spoke against the proposition on the ground that it would probably be a difficult thing to finance, and there were one or two doubters of the efficacy of Sunday's work. These were speedily silenced, if not convinced, by the mass of testimony offered by persons who had personal experience with the celebrated evangelist, or who had heard the most favorable reports of his work from interested and reliable informants.

When called upon by the chairman that he doubted the ability of the community and the church population to properly care for the great number of persons who undoubtedly would be converted by the evangelist. He did not doubt for a minute but that there would be very many conversions. The real work, however, would begin after Sunday had left the islands. It would then be necessary to find a place in the religious scheme of the community for each of these converts in order to make them active in the practice as well as the profession of their faith, and to bring them into a sphere where they could render Christian service to others.

No Doubt of Good Work

Chairman Trent said this should dispel the last lingering doubt as to the efficacy of the work. Billy Sunday, and the only remaining problem was the broadening of their activities on the part of the local church folk to include a large accession to their ranks.

Johnny Martin then rose and put a clincher on the argument. He said that conditions in Honolulu were becoming such that it was time some effort was put forth to bring a very large number of persons into being a Christian life; that this was the way to go about it, and that it was the Christian duty of every person of every church represented to put forth his hand to help the converts whom Sunday would make to lead the kind of life that they desired.

Way Will Be Found

Martin said it was now time to cast aside all doubts and to act, and he moved that the churches represented bring Billy Sunday to Honolulu to convert all whom he could, and he said a way would be found to care for the newly made members of the religious community.

## JOHN W. CATHCART MUST RUN AGAIN

Supreme Court Holds That City Attorney Was Not Re-Elected At Primaries

City Clerk Kaimukalani has been instructed by the supreme court to the effect that the names of John W. Cathcart and Joseph Lightfoot, Republican and Democratic candidates for city attorney, must be printed on the municipal ballot for the election which will be held next Tuesday.

The court yesterday handed down the following memorandum:

"For reason which will be stated in an opinion to be filed, the question reserved is answered in the affirmative." The memorandum, which practically settled the question, was given by the court yesterday in order that the city clerk might immediately cause to be printed the ballots, which had been held up pending a solution of the question raised in the petition for a writ of mandamus brought by Lightfoot against the clerk to compel the latter to print both Cathcart's and Lightfoot's names in the ballot.

Cathcart claimed that he received a majority of the vote cast at the primary election, but this was questioned by his Democratic opponent with the result shown here.

M. A. Smith filed a suit for damages in the sum of \$25,000 yesterday in the local circuit court against A. A. Wilson, contractor, for whom Martin was working on a stone wall in Kapipi gulch, Makawao, Maui, October 27, he was severely injured by falling a distance of thirty feet. He alleges that the wall was improperly constructed and that, while rolling a stone on top of the wall, the latter collapsed.